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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE ALFREDO RIVERA-RUIZ, on behalf of himself and a class of all others similarly situated,

NO. 19-CV-00170

COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF ALONG WITH  
MONEY DAMAGES

Plaintiff,

5

DOUGLAS COUNTY; GORDON EDGAR,  
Prosecuting Attorney for Douglas  
County, in his official and  
individual capacities; U.S.  
DEPARTMENT OF HOMELAND SECURITY;  
KEVIN McALEENAN, in his official  
capacity as Secretary of the  
Department of Homeland Security,  
and the UNITED STATES OF  
AMERICA,

## Defendants.

## I. INTRODUCTION

1. The U.S. Supreme Court has held several times that a defendant must be provided counsel upon their first appearance before a magistrate.<sup>1</sup>

2. It is also well settled by the U.S. Supreme Court that the state, acting through its prosecutorial power, may not take advantage of unrepresented defendants.

3. The practice in Douglas County Superior Court for about twelve (12) years has been that indigent defendants are assigned a contract public defender at their preliminary hearing.

4. But the defendant must then call a phone number after the hearing to have a specific attorney assigned and set a date to meet with them.

5. Therefore, those defendants go unrepresented at their preliminary hearing.

6. After "appointing" defendants an attorney, the court then determines whether there is probable cause and if conditions of release should be imposed.

<sup>1</sup> This section is a syllabus. Citation to case law or the record is omitted.

1       7. The Douglas County Prosecutor's Office has been  
2 taking advantage of *immigrant* defendants that go unrepresented  
3 at their preliminary appearance to send those individuals into  
4 summary deportation proceedings, to wit:

5           a. The jail informs the prosecutor whether a  
6 defendant has an immigration hold before the  
7 preliminary hearing.

8           b. The prosecutor's office charges the defendant  
9 with a crime that will prevent them from receiving  
10 conditions of release from immigration custody.

11           c. The prosecutor's office requests at the  
12 preliminary hearing that the court not set a bond,  
13 and release the defendant on their recognizance, but  
14 with other conditions of release, such as appearing  
15 at all further hearings.

16           d. The defendant is not informed of their  
17 immigration hold or what the consequences of their  
18 "release" will be.

19           e. The defendant, unrepresented, has no one to  
20 advocate their or behalf.

21           f. The defendant is released from jail and into  
22 immigration custody.

g. The defendant, unable to gain release from immigration custody, is unable to attend their next hearing.

h. The prosecutor requests a bench warrant, which is not uncommon for a court to grant.

i. The prosecutor objects to any litigation or negotiation unless the defendant is able to quash the bench warrant or appear for court.

j. The defendant is deported.

k. Because the defendant has an open bench warrant, they have no chance to return legally or convert their status.

8. When the family of Jose Rivera-Ruiz ("Mr. Rivera") contacted undersigned counsel to represent him, Mr. Rivera was in immigration custody at the Northwest Detention Center ("NWDC").

9. Originally, when Mr. Rivera was arrested for allegedly giving marijuana to his friend's son, he was taken to the Okanagan County Jail. The Okanagan County Jail sent an e-mail alerting other local government agencies and officials that Mr. Rivera had been booked and had an "immigration hold." In other words - if Mr. Rivera were to be released from jail, he would be immediately detained by Customs and Border

1 Protection ("CBP") and transferred to the Northwest Detention  
2 Center.

3       10. The Chief Prosecutor for Douglas County assigned Mr.  
4 Rivera's case to a deputy for review and charging. Mr. Rivera  
5 was charged with a felony in Douglas County - distributing  
6 marijuana to someone under 18 years of age - and was  
7 transported to the Douglas County Jail to prepare to make his  
8 "preliminary appearance" in Douglas County Superior Court. At  
9 this hearing, a judge would determine if there is probable  
10 cause and whether to detain or release a defendant on specific  
11 conditions. Mr. Rivera appeared at this preliminary hearing  
12 by video from the jail. Also in attendance were a Spanish  
13 interpreter, a judge pro tempore, and the chief prosecutor for  
14 Douglas County.

15       11. Mr. Rivera asked for counsel to be appointed and  
16 after a colloquy as to his finances, the Court appointed him a  
17 "contract public defender." Mr. Rivera was ordered to contact  
18 the "public defender coordinator" within one business day of  
19 the preliminary hearing to receive a specific attorney  
20 assignment.

21       12. The Court then found probable cause, granted the  
22 prosecution's request that Mr. Rivera be released on his own  
23 recognizance on specific conditions, and gave Mr. Rivera a new  
hearing date at which to appear for his arraignment.

1       13. Mr. Rivera, unrepresented, was completely unaware  
2 that his release from Douglas County Jail meant that he would  
3 be released to immigration custody and transported to the NWDC  
4 to be detained. No one in the courtroom alerted Mr. Rivera to  
5 this issue, and no one spoke on his behalf.

6       14. So, upon his release from Douglas County Jail, Mr.  
7 Rivera was transported to the NWDC. Because he was charged with  
8 a felony drug offense, Mr. Rivera was denied any conditions of  
9 release from immigration custody. Because he was denied release  
10 from immigration detention, Mr. Rivera was unable to attend his  
11 arraignment. At his arraignment, the prosecutor, knowing the  
12 exact reason why Mr. Rivera was unable to appear, asked for and  
13 was granted a bench warrant for Mr. Rivera's failure to appear.  
14 As of today's date, the warrant is outstanding.

15       15. Mr. Rivera is scheduled for a hearing in immigration  
16 court on June 6th, 2019. While Mr. Rivera is in the United  
17 States without any immigration status, he has two American-born  
18 children, and can convert his status to legal residency through  
19 them. However, if by the date of his immigration hearing he is  
20 still in custody at NWDC, or he has not otherwise appropriately  
21 resolved his criminal case in Douglas County, Mr. Rivera will  
22 be deported, his chance to convert his immigration status will  
23 disappear, and he will have an open warrant in Douglas County,  
effectively preventing him future access to the United States.

1       16. Undersigned counsel was then contacted by Mr.  
2 Rivera's family.

3       17. Undersigned counsel filed a motion to suppress the  
4 arrest and the statements made in the state criminal case. But  
5 the State actively objected to Mr. Rivera-Ruiz receiving  
6 hearing time before the court to litigate absent physical  
7 presence in court for advisement of rights. Undersigned counsel  
8 offered to have Mr. Rivera execute signed waivers of his  
9 presence at any hearing with a detailed recitation of the  
10 rights at attendant hearing and waiver of same. Still, the  
11 State objected.

12       18. Undersigned counsel has filed a motion to dismiss in  
13 Douglas County for violations of Mr. Rivera's Fifth and Sixth  
14 Amendment rights to due process and counsel, and for  
15 prosecutorial misconduct for the unconstitutional actions taken  
16 against Mr. Rivera.

17       19. Nevertheless, dismissal of Mr. Rivera's criminal case  
18 will not stop the constitutional violations inherent in Douglas  
19 County's criminal justice system.

20       20. Mr. Rivera therefore brings this § 1983 suit against  
21 Douglas County and the Douglas County Prosecutor in his  
22 personal and official capacity for (I) violation of Mr.  
23 Rivera's Sixth Amendment right to counsel; and (II) violation  
of his Fifth Amendment right to due process.

1       21. Mr. Rivera requests that this Court certify a class  
2 action, with himself as the class representative, and requests  
3 that this Court temporarily enjoin Defendants Douglas County  
4 and the Chief Douglas County Prosecutor Gordon Edgar from (a)  
5 continuing to have defendants appear unrepresented at their  
6 preliminary appearance, and from (b) keeping secret from  
7 defendants and defense counsel the fact of the existence of an  
8 immigration hold. Mr. Rivera requests that an expedited hearing  
9 on whether to make these temporary restraining orders permanent  
10 within fourteen (14) days.

11       22. Mr. Rivera requests that this Court certify a class  
12 action, with himself as the class representative, and requests  
13 that this Court temporarily enjoin Douglas County and the  
14 Douglas County Prosecutor from (a) continuing to have  
15 defendants appear unrepresented at their preliminary  
16 appearance, and from (b) keeping secret from defendants and  
17 defense counsel the fact of the existence of an immigration  
18 hold. Mr. Rivera requests that an expedited hearing on whether  
19 to make this temporary restraining order permanent also be set.

20       23. Mr. Rivera requests that this Court issue a temporary  
21 order enjoining the immigration proceedings against Mr. Rivera  
22 until his criminal case may be resolved, and releasing Mr.  
23 Rivera to the Douglas County Jail so that he may litigate his  
criminal case in Douglas County Superior Court.

1       24. Mr. Rivera requests that this Court issue a temporary  
2 order requiring defendants Customs and Border Patrol, the  
3 United States of America, and Douglas County to ensure  
4 transport of Mr. Rivera back to the Douglas County Jail so that  
5 he may litigate his case.

6       25. Mr. Rivera requests that this Court add these  
7 temporary restraining orders to the expedited already requested  
8 for the previous temporary orders preventing Douglas County  
9 from allowing defendants from going unrepresented at their  
10 preliminary appearance and requiring that the fact of an  
11 immigration hold must be shared with defendants.

12           26. Finally, Mr. Rivera asks for monetary damages,  
13 punitive damages, and attorneys' fees, as well as any other  
14 relief this Court deems equitable.

## II. PARTIES

16           27. Plaintiff JOSE RIVERA-RUIZ, is a resident of Douglas  
17           County.

18       28. Defendant DOUGLAS COUNTY, a local governmental unit,  
19       formed under the laws of the State of Washington.

20           29. Defendant GORDON EDGAR, CHIEF PROSECUTING ATTORNEY  
21           FOR DOUGLAS COUNTY, in his official and individual capacity.

22                   30. Defendant U.S. Department of Homeland Security  
23 ("DHS") is a federal cabinet agency responsible for  
implementing and enforcing the Immigration and Nationality Act.

1 DHS is a Department of the Executive Branch of the United  
2 States Government and is a federal agency. The U.S. Customs and  
3 Border Protection is responsible for detaining and/or removing  
4 non-citizen immigrants.

5       31. Defendant Kevin McAleenan is the Secretary of the  
6 Department of Homeland Security. He is responsible for  
7 implementing and enforcing the Immigration and Nationality Act  
8 ("INA"), and oversees the U.S. Customs and Border Protection.  
9 He is sued in his official capacity.

10           32. Defendant UNITED STATES OF AMERICA includes all  
11 government agencies and departments responsible for the  
12 implementation of the INA and detention and/or removal of non-  
13 citizen immigrants, and other such governmental sub-units who  
14 are necessary and proper defendants.

### III. JURISDICTION

16           33. This Court has jurisdiction pursuant to 28 U.S.C. §§  
17           1331, 1343, and 2201.

18           34. Venue is proper in this Court as the defendants' acts  
19           as officers of their governmental units, and under color of  
20           law, in Douglas County, Washington, located in the Eastern  
          District of Washington.

#### IV. GENERAL ALLEGATIONS

1       35. Plaintiff JOSE RIVERA-RUIZ ("MR. RIVERA") is in the  
2 UNITED STATES as an undocumented immigrant. *Decl. of Counsel*,  
3 attached to Compl., Ex. A.

4       36. MR. RIVERA has lived in the United States for more  
5 than FIFTEEN (15) YEARS.

6       37. MR. RIVERA has children who are natural-born citizens  
7 of the UNITED STATES.

8       38. Because he has children who are natural-born  
9 citizens, MR. RIVERA is able to convert his immigration status  
10 to become a resident of the United States.

11       39. On January 24, 2019, MR. RIVERA was arrested for  
12 suspicion of distributing marijuana to a person under the age  
13 of 18 years old.

14       40. MR. RIVERA was ARRESTED and taken to the Okanogan  
15 County Jail.

16       41. During booking, MR. RIVERA stated his birthplace was  
17 MEXICO. See *E-mail from Hobbs to Various Recipients*, Ex. B;  
18 *USDHS I-213 Form*, Ex. C.

19       42. The Okanogan County Jail contacted Customs and Border  
20 Patrol ("CBP").

21       43. During an interview with CBP, MR. RIVERA admitted to  
22 not having the proper immigration documentation. Ex. C.

23       44. Christine Hobbs, Jail Records Deputy at the Okanogan  
County Jail, e-mailed several Douglas and Okanogan County  
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1 government recipients, including the jail, court, and  
2 prosecutor's office. That e-mail stated that MR. RIVERA had  
3 been booked and that he had "an Immigration/Border Patrol Hold  
4 at this time." Ex. B.

5 45. A post-it note attached to a print out of that e-mail  
6 in the file for the DOUGLAS COUNTY PROSECUTING AUTHORITY states  
7 "assign to KP for review & charging". Ex. B.

8 46. On January 25, 2019, MR. RIVERA appeared via video  
9 conference for a preliminary hearing - the very first hearing a  
10 detained defendant attends after being arrested. See *Criminal*  
11 *Minute Sheet*, Ex. D.

12 47. Present at the preliminary hearing were Judge Pro  
13 Tempore Biggar and Mr. Gordon Edgar, the Chief Prosecuting  
14 Attorney for Douglas County. Ex. D.

15 48. An interpreter was present, as was a court clerk.

16 49. MR. RIVERA asked for COUNSEL. See *Verbatim Trans. of*  
17 *Proceedings for Preliminary Hearing*, at 6-7, Ex. E.

18 50. COUNSEL was ASSIGNED to MR. RIVERA.

19 51. BUT because counsel was appointed at the preliminary  
20 hearing, NONE WAS PRESENT at that hearing. Instead, MR. RIVERA  
21 was instructed by the court to contact his attorney in the  
22 future. Ex. E, at 7; *Order on Preliminary Appearance*, Ex. F.

1       52. THEREFORE, NO COUNSEL appeared at the preliminary  
2 hearing to advocate for MR. RIVERA and NO COUNSEL appeared on  
3 his behalf.

4       53. Therefore, only one party - the State - was  
5 represented at the preliminary hearing.

6       54. The Prosecutor's Office requested that MR. RIVERA be  
7 released on personal recognizance. *Recommendations of*  
8 *Prosecuting Attorney on Preliminary Appearance, Ex. G.*

9       55. Mr. Rivera, unrepresented and without an advocate,  
10 had no input as to what conditions of release should be  
11 imposed.

12       56. Not the prosecutor, nor the court - no courtroom  
13 participant informed MR. RIVERA that there was an outstanding  
14 immigration hold, and that he would be detained by immigration  
15 as soon as he was released.

16       57. NO ONE shared this information with MR. RIVERA.

17       58. MR. RIVERA, unaware that he would be detained by CBP  
18 upon release, was released on personal recognizance.

19       59. The court directed the prosecutor's office to file  
20 formal charges by January 29, 2019 and set the next hearing  
21 date - arraignment - for February 25, 2019. Ex. E; Ex. F.

22       60. Upon being released from the Okanagan County Jail,  
23 MR. RIVERA was detained by CBP and taken to the NORTHWEST

1 DETENTION CENTER ("NWDC"). See *Order re: Failure to Appear Due*  
2 *to Immigration Custody, Ex. H.*

3 61. Because MR. RIVERA was charged with a drug crime, he  
4 would be unable to convert his status to be a resident. See  
5 *Letter from Mills Law Firm, Ex. J.*

6 62. Because MR. RIVERA is unable to convert his status,  
7 it is highly unlikely he will be granted conditions of release  
8 from NWDC.

9 63. Nevertheless, because MR. RIVERA was detained at the  
10 NWDC, MR. RIVERA was unable to attend his arraignment and  
11 resolve the criminal case against him.

12 64. Because MR. RIVERA failed to appear, at his  
13 arraignment, the prosecutor's office requested, and the Douglas  
14 County Superior Court granted, a BENCH WARRANT against MR.  
15 RIVERA.

16 65. The criminal case against MR. RIVERA will remain  
17 open, and a warrant against him active, until he can appear at  
18 the DOUGLAS COUNTY SUPERIOR COURT to defend that case.

19 66. MR. RIVERA has a court date for status conference on  
20 deportation proceedings in Immigration Court on June 6, 2019.

21 67. At that conference, if MR. RIVERA is still in  
22 immigration custody, then he will most likely be deported and  
23 will not be able to convert his immigration status.

1       68. If MR. RIVERA had remained in detention at the  
2 Okanagan County Jail, he would have been able to continue  
3 litigating and negotiating his case until its resolution.

4       69. During this period, MR. RIVERA contracted counsel for  
5 his criminal case.

6       70. Counsel in MR. RIVERA's criminal case requested to  
7 negotiate with the prosecutor's office to reduce the charges  
8 against MR. RIVERA so that he could be released and continue to  
9 convert his immigration status.

10      71. That request was denied.

11      72. Counsel filed and sought to litigate a motion to  
12 suppress the stop and subsequent statement.

13      73. The prosecutor's office objected to a motion hearing  
14 without the defendant's physical or video presence, and without  
15 defendant being advised by the court of his rights at  
16 arraignment. See *Verbatim Trans. of Proceedings for Status*  
17 *Conference*, at 1-9, Ex. K.

18      74. At this time, MR. RIVERA remains in custody at the  
19 NWDC, a warrant for his appearance in Douglas County Superior  
20 Court remains active, and there is no court date set for his  
21 criminal case. MR. RIVERA's immigration case nevertheless moves  
22 forward and a hearing date has been set to begin deportation  
23 proceedings.

75. Douglas County Superior Court has not provided an attorney to defendants at their preliminary hearing for at least the last twelve years. See *Decl. of Christian Cervantes, Ex. L.*

## **V. CLASS ALLEGATIONS**

76. Plaintiff JOSE RIVERA-RUIZ brings this action pursuant to Federal Rule of Civil Procedure 23(a) and (b) (2) individually and on behalf of other similarly-situated individuals of the following proposed class:

77. Individuals who appeared or will appear for a preliminary appearance in Douglas County Superior Court as defendants charged in a criminal case, and who were not or will not be provided counsel, and who, being a non-citizen, was, is, or will be subject to an immigration hold,

78. This class of individuals was subject to having their Sixth Amendment Right to Counsel violated when they went unrepresented at their preliminary hearings in Douglas County Superior Court.

79. That deprivation of federal rights cause class members irreparable harm, causing them to be deported from the United States.

80. The Class is so numerous that the individual joinder of all members is impracticable.

1       81. The Class Plaintiffs' claims are typical of the  
2 claims of the Class.

3       82. The number of individuals who have been  
4 constitutionally injured is sufficiently numerous to make class  
5 action status the most practical method to secure redress for  
6 injuries sustained and class wide equitable relief.

7       83. There are clear questions of law and fact raised by  
8 the named Plaintiff's claim common to, and typical of, those  
9 raised by the Class he seeks to represent.

10       84. The questions of law and fact common to all members  
11 of the Class include but are not limited to: (a) whether  
12 Defendants have a duty to provide indigent persons charged with  
13 crimes with assistance of counsel; and (b) whether Defendants  
14 have breached their duties.

15       85. The violations of law and resulting harms alleged by  
16 the named Plaintiff are typical of the legal violations and  
17 harms suffered by all Class members.

18       86. Plaintiff JOSE RIVERA-RUIZ, as Class representative,  
19 will fairly and adequately protect the interests of the Class  
20 members and will vigorously prosecute the suit on behalf of the  
21 Class; and is represented by sufficiently experienced counsel.

22       87. The maintenance of the action as a class action will  
23 be superior to other available methods of adjudication and will  
promote the convenient administration of justice, preventing

1 possible inconsistent or varying adjudications with respect to  
2 individual members of the Class and/or one or more of the  
3 Defendants.

4 Defendants have acted, failed to act, and/or are  
5 continuing to act on grounds generally applicable to all  
6 members of the Class, necessitating declaratory and injunctive  
7 relief for the Class.

8 **VI. CAUSES OF ACTION**

9 The following claims are brought pursuant to 42 U.S.C. §  
10 1983, asserting violations of federal rights by state actors,  
11 acting under color of law, and in execution of their duties:

12 **FIRST CAUSE OF ACTION**  
13 **VIOLATION OF SIXTH AMENDMENT**  
14 **RIGHT TO COUNSEL**  
15 **PRESENCE OF COUNSEL AT INITIAL APPERANCE**

16 89. Plaintiff JOSE RIVERA-RUIZ re-alleges and  
17 incorporates by reference the allegations set forth in each of  
18 the preceding paragraphs of this Complaint.

19 90. "[T]he right to counsel guaranteed by the Sixth  
20 Amendment applies at the first appearance before a judicial  
21 officer at which a defendant is told of the formal accusation  
22 against him and restrictions are imposed on his liberty."  
23 *Rothergy v. Gillespie Cty.*, 554 U.S. 191, 194, 128 S.Ct. 2578,  
171 L.Ed.2d 366 (2008) citing *Brewer v. Williams*, 430 U.S. 387,  
398-399, 97 S.Ct. 1232, 51 L.Ed.2d 424 (1977), and *Michigan v.*

*Jackson*, 475 U.S. 625, 629, n. 3, 106 S.Ct. 1404, 89 L.Ed.2d 631 (1986).

91. Defendants DOUGLAS COUNTY, and GORDON EDGAR, Chief Prosecuting Attorney, have deprived Plaintiff JOSE RIVERA-RUIZ and Class members of their Sixth Amendment right to counsel by denying them an attorney at their preliminary hearing in Douglas County Superior Court.

92. Plaintiff JOSE RIVERA-RUIZ and Class members have experienced constitutional and monetary harm by the unconstitutional processes and procedures undertaken by a policy, custom, or practice of the Defendants.

93. The conduct of Defendants was at the very least reckless, and most likely purposeful, but nevertheless undertaken with complete indifference to Plaintiff JOSE RIVERA-RUIZ's and the Class members' federal rights to be free from violations of the Sixth Amendment to the United States Constitution.

COUNT II  
VIOLATION OF FIFTH AND FOURTEENTH AMENDMENT  
RIGHT TO DUE PROCESS  
PROSECUTORIAL MISCONDUCT

94. Plaintiff JOSE RIVERA-RUIZ re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Complaint.

1       95. The U.S. "Supreme Court has found that prosecutorial  
2 misconduct may occur in a variety of unique factual settings."  
3 See *Woods v. Adams*, 631 F.Supp.2d 1261, 1278 (C.D. Cal. 2009)  
4 (quoting *United States v. Williams*, 504 U.S. 36, 60, 112 S.Ct.  
5 1735, 118 L.Ed.2d 352 (1992) (Stevens, J., concurring) ("[l]ike  
6 the Hydra slain by Hercules, prosecutorial misconduct has many  
7 heads").

8       96. "Where prosecutorial misconduct has occurred, the  
9 relevant question then is whether the misconduct so infected  
10 the trial with unfairness as to make the resulting conviction a  
11 denial of due process." *Id.* (citing *Darden v. Wainwright*, 477  
12 U.S. 168, 181, 106 S.Ct. 2464, 91 L.Ed.2d 144 (1986)).

13       97. "[K]nowing exploitation by the state of an  
14 opportunity to confront the accused without counsel being  
15 present is as much a breach of the state's obligation not to  
16 circumvent the right to the assistance of counsel as is the  
17 intentional creation of such an opportunity." *Maine v. Moulton*,  
18 474 U.S. 159, 176, 106 S.Ct. 477, 484-486, 88 L.Ed.2d 481  
19 (1985).

20       98. Defendants DOUGLAS COUNTY, and GORDON EDGAR, Chief  
21 Prosecuting Attorney, have deprived Plaintiff JOSE RIVERA-RUIZ  
22 and Class members of their Fifth and Fourteenth Amendment right  
23 to due process by taking advantage of the fact that they go

1 unrepresented, to then send them off into a purgatory of the  
2 prosecutor's creation.

3 99. By doing so, the defendants are depriving Mr. Rivera  
4 and the Class members of their due process rights under the  
5 Fifth and Fourteenth Amendments.

6 100. Plaintiff JOSE RIVERA-RUIZ and Class members have  
7 experienced constitutional and monetary harm by the  
8 unconstitutional processes and procedures undertaken by a  
9 policy, custom, and/or practice of Defendants.

10 101. The conduct of Defendants was at the very least  
11 reckless, and most likely purposeful, but nevertheless  
12 undertaken with complete indifference to Plaintiff JOSE RIVERA-  
13 RUIZ's and the Class members' federal rights to be free from  
14 violations of the Fifth and Fourteenth Amendments to the United  
15 States Constitution.

16 **VII. RELIEF REQUESTED**

17 102. WHEREFORE, Plaintiff JOSE RIVERA-RUIZ, on his behalf  
18 and on behalf of all defined Class members, respectfully  
19 requests this Court to -

20 a. Enter an order enjoining Defendants Customs and  
21 Border Protection and United States of America from  
22 deporting the Plaintiff, MR. JOSE RIVERA-RUIZ, pending  
23 further order from this Court, and requiring his release  
to the Douglas County Jail;

1                   b. Enter an order requiring Defendants Customs and  
2 Border Protection, United States of America, and Douglas  
3 County, to ensure transport of Mr. Rivera to the Douglas  
4 County Jail.

5                   c. Enter an order enjoining Defendants DOUGLAS COUNTY  
6 and GORDON EDGAR, in his official capacity, from  
7 continuing to allow defendants from going unrepresented at  
8 their preliminary appearances in Douglas County Superior  
9 Court, pending further order from this Court;

10                  d. Enter an order enjoining Defendants DOUGLAS COUNTY  
11 and GORDON EDGAR, in his official capacity, from  
12 continuing to keep secret from defendants the existence of  
13 an "immigration hold" against them, pending further order  
14 from this Court;

15                  e. Pursuant to Federal Rule of Civil Procedure 65(b) (2),  
16 set an expedited hearing within fourteen (14) days to  
17 determine whether the Temporary Restraining Orders should  
18 be extended;

19                  f. Enter an order certifying this case as a Class  
20 Action;

21                  g. Enter an order, pursuant to the Declaratory Judgment  
22 Act, declaring the conduct of the Defendants as being  
23 unconstitutional;

1                   h. Enter an order for injunctive relief to halt the  
2                   illegal processes and procedures of Defendants in  
3                   violation of the Fifth, Sixth, and Fourteenth Amendments  
4                   to the United States Constitution.

5                   i. Enter an order for damages in the amount to be  
6                   determined at a later date;

7                   j. Enter an order for an award of punitive damages;

8                   k. Enter an order for an award of actual reasonable  
9                   attorney fees and litigation expenses pursuant to 42  
10                   U.S.C. § 1988, Fed. R. Civ. P. 23(h), and all other  
11                   applicable laws, rules, or statutes; and

12                   l. Enter an order for all such other relief the court  
13                   deems equitable.

14                   **VIII. JURY DEMAND**

15                   103. For all triable issues, a jury is hereby  
16                   demanded.

17                   RESPECTFULLY SUBMITTED this 16th day of MAY 2019.

18                     
19                   

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20                   J. TALITHA HAZELTON  
21                   WSBA# 52460  
22                   Attorney for Plaintiff Jose  
23                   Rivera-Ruiz

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